

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 31579 of 2007(H)

**AGAINST THE ORDER DATED IN EP 347/2007 IN IA 1170/07 IN
AS.75/2007 of SUB COURT, HOSDRUG
OS.260/2006 of MUNSIF COURT, HOSDRUG
(EP 347/2007)**
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PETITIONER:

**S.P.ISMAIL,S/O.K.P.MUHAMMED
MASTER OPTICALS OPPOSITE KAILAS THEATRE
KANHANGAD PO, HOSDURG TALUK, KASARGODE DISTRICT.**

**BY ADV. SRI.JAWAHAR JOSE
SMT.CISSY MATHEWS**

RESPONDENTS:

**SUDHAKARA SHENOR
S/O. NARAYANA SHENOY
RESIDING AT COPRA QUARTERS
KUSHAI NAGAR, HOSDURG VILLAGE AND TALUK
KASARGODE DISTRICT.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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W.P.C. NO. 31579 OF 2007

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Dated this the 24th day of October, 2007.

J U D G M E N T

This writ petition is filed seeking a direction to the Subordinate Judge, Hosdurg to dispose of I.A.1170/07 in A.S.75/07 and a further direction to the Munsiff, Hosdurg to keep the execution proceedings in E.P.347/07 in abeyance. Against the decree passed by the Munsiff, Hosdurg, an appeal has been preferred as A.S.75/07 and in that appeal I.A.1170/07 is filed for passing a stay of the execution of the decree. Meanwhile, the decree holder filed an execution petition and had attached some of the movables. Then pursuant to the application filed by the writ petitioner the said order has been kept in abeyance till 24.10.07. The writ petitioner moved an application before the Subordinate Judge, Hosdurg to advance the hearing date from January, 2008 and dispose of the matter as expeditiously as possible and that is also kept pending. Now the decree has been

challenged before a competent Court and a stay application has been filed. So it is only just that the execution proceedings are not proceeded with till a decision is taken in the application for stay. Therefore, I allow the writ petition and direct the Subordinate Judge, Hosdurg to dispose of I.A.1170/07 in A.S.75/07 within a time frame of one month from today and direct the Munsiff, Hosdurg to keep the order passed by it attaching movables in abeyance till a final order is passed in I.A.1170/07 by the Subordinate Judge, Hosdurg.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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